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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LIDETTE DENNEY, an individual,

Plaintiff,

v.

TARGET CORPORATION; DOES I-X; and
ROE COMPANIES I-X, inclusive,

Defendants.

CASE NO: 2:19-cv-01157-APG-DJA

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

(Eighth Request)

Plaintiff, LIDETTE DENNEY, by and through her counsel of record, PAUL S. PADDA, ESQ. of PAUL PADDA LAW and Defendant, TARGET CORPORATION, by and through its counsel of record, LOREN S. YOUNG, ESQ. and MARK B. BAILUS, ESQ. of the law firm LINCOLN, GUSTAFSON & CERCOS, LLP, hereby stipulate and request that the Court extend the remaining discovery and dispositive motion deadlines by approximately ninety (90) days. This is the parties' eighth request to extend discovery and dispositive motion deadlines in this matter.

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Pursuant to Local Rule ~~26-4~~, the parties state as follows:

I. DISCOVERY COMPLETED TO DATE

- a. The parties conducted the Fed. R. Civ. P. 26(f) conference on July 15, 2019.
- b. The parties have exchanged initial disclosures of documents and lists of witnesses and supplements thereto.

- c. Defendant has propounded requests for production of documents and interrogatories on Plaintiff and Plaintiff has responded to these discovery requests.
- d. Plaintiff has propounded requests for production of documents and interrogatories on Defendant and Defendant has responded to these discovery requests.
- e. Defendant has received HIPAA authorizations from Plaintiff.
- f. FRCP medical examination of Plaintiff.
- g. Disclosure of initial and rebuttal expert witnesses.

II. DISCOVERY TO BE COMPLETED

- a. Deposition of Rule 30(b)(6) designee(s) of Target Corporation.
- b. Depositions of fact witnesses.
- c. Depositions of treating physicians and/or retained experts.
- d. Supplemental responses to written discovery.
- e. Other discovery as necessary.

The above list is made without prejudice to the parties' ability to conduct additional discovery consistent with the Federal Rules of Civil Procedure.

III. REASONS WHY THE DEADLINES CANNOT BE COMPLETED WITHIN THE CURRENT SCHEDULE

This matter is a personal injury claim, where the Plaintiff is alleging injuries due to a slip and fall on the premises of Defendant in Las Vegas, Nevada. Defendant has denied liability. Currently, Plaintiff is claiming past and future medical and other damages. Although the parties have been actively participating in the discovery process, there is pertinent discovery that remains to be completed.

Due to the COVID-19 pandemic and rising cases due to the Delta variant, the parties have had difficulty scheduling depositions including expert witnesses. Most notably, Defendant's retained experts are represented by Tracey L. Heinhold Keith, Esq., who due to hearing loss is required to wear hearing aids. However, Ms. Keith advises that her hearing loss is the type that is not particularly well-suited for hearing aids and to understand what is being said during a deposition she must be able to read lips to augment what she can hear with her hearing aids. Currently, all counties in Nevada that are experiencing substantial or high transmission levels, such as Clark County, have in place a COVID-19

1 mask mandate so not wearing a mask during a deposition is not an option. While eventually the COVID-
2 19 mask mandate will be lifted, such will not likely occur before the current discovery deadline.
3 Unfortunately, Ms. Keith advises she cannot read lips if the person speaking is wearing a mask, even a
4 clear mask. Even if it was possible to waive the mask mandate, Ms. Keith has advised she is considered
5 high risk for a negative outcome if she contracts COVID-19. The parties would request the Court to
6 continue, *inter alia*, the discovery deadlines ninety (90) days in order to accommodate Ms. Keith's
7 disability and to ensure she is safe from COVID-19 and its variants. Consequently, additional time is
8 necessary in order to complete the remaining discovery.

9 Further, the parties have agreed to participate in a private mediation in an effort to resolve this
10 matter. The parties have agreed on Paul Haire at ARM as the mediator and due to unforeseen
11 circumstances, have had to reschedule the mediation for December 9, 2021. The parties agree that this
12 request is not made for the purpose of delay, but to ensure a just adjudication of the case on the merits,
13 and that neither party will be prejudiced by the requested extension.

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II. PROPOSED SCHEDULE

WHEREFORE, the parties respectfully request that this Court extend discovery deadlines as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Discovery Deadline	December 20, 2021	March 21, 2022
Dispositive Motions	January 19, 2022	April 19, 2022
Pretrial Order	February 16, 2022	May 17, 2022

DATED this 25th day of October, 2021.

DATED this 25th day of October, 2021.

LINCOLN, GUSTAFSON & CERCOS, LLP

PAUL PADDA LAW

/s/ Mark B. Bailus

/s/ Paul S. Padda

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LIDETTE DENNEY

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: October 26, 2021